

United States District Court, Eastern District of Washington
Magistrate Judge Mary K. Dimke
Yakima

USA v. NICHOLAS SEAN CARTER Case No. 2:19-CR-0183-SMJ-1
2:20-CR-0005-SMJ-2
4:19-CR-6063-SMJ-2

Video Conference
The Defendant agreed to appear via video conference.

Defendant's Motion to Reopen Detention Hearing: 05/29/2020

- | | |
|---|--|
| <input checked="" type="checkbox"/> Pam Howard, Courtroom Deputy [Y]
<input checked="" type="checkbox"/> Mike Edwards, IT Specialist [R]
<input checked="" type="checkbox"/> Jennifer Dykstra, US Probation / Pretrial Services (tele)
<input checked="" type="checkbox"/> Defendant present <input checked="" type="checkbox"/> in custody USM appearing by video from Benton County Jail | <input checked="" type="checkbox"/> Stephanie Van Marter, US Atty (video)
<input checked="" type="checkbox"/> Nicholas Marchi, Defense Atty (video)
<input checked="" type="checkbox"/> Interpreter NOT REQUIRED
<input type="checkbox"/> Defendant not present / failed to appear |
|---|--|
-
- | | |
|--|--|
| <input checked="" type="checkbox"/> Defendant continued detained | <input type="checkbox"/> Additional Conditions of Release imposed
<input type="checkbox"/> 199C Advice of Penalties/Sanctions |
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REMARKS

Due to the current COVID-19 public health crisis, all parties including Defendant, appeared by video or teleconference.

The Court advised the parties that because this Defendant waived his initial detention hearing, the Court will treat this as such.

USA proffered her filings in this case and the pretrial services reports that have been filed.

USA argued that this Defendant has much more criminal history than his co-defendant and there are no conditions which will reasonably assure Defendant's appearance as required and/or the safety of the community.

USA argued this Defendant has not presented why he would be an increased risk of COVID-19 or how the Jail has not been able to keep Defendant safe.

Defense counsel argued most of Defendant's criminal history is from when he was juvenile. Defense asserts Defendant has a release address and he can be released on supervision conditions. Defense proposes conditions including drug treatment and he secure employment.

USA argues Defendant was found with weapons on his person.

The Court ordered:

1. Defendant's Motion to Reopen Detention is **denied**.
2. There are no conditions of release which will reasonably assure Defendant's appearance as required or ensure the safety of the community.
3. Defendant shall be detained by the U.S. Marshal until further order of the Court.